

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF MISSOURI
WESTERN DIVISION

UNITED STATES OF AMERICA,)
)
)
Plaintiff,)
)
)
v.) Case No. 23-00251-01-CR-W-BCW
)
)
BRIAN MICHAEL AALBERS,)
)
)
Defendant.)

**REPORT AND RECOMMENDATION
CONCERNING PLEA OF GUILTY**

Defendant Brian Michael Aalbers appeared before me pursuant to Fed.R.Crim.P. 11, Local Rule 72.1(b)(1)(J), and 28 U.S.C. § 636 and entered a plea of guilty pursuant to Fed.R.Crim.P. 11(c)(1)(A) and (C) to Counts One through Thirteen of the Information each charging him with a violation of 18 U.S.C. §§ 2251(a) and (e) (Attempted Production of Child Pornography), and Count Fourteen of the Information charging him in violation of 18 U.S.C. §§ 2252(a)(4) and (b)(2) (Possession of Child Pornography). Defendant Aalbers also agreed to forfeit to the United States the property described in the Forfeiture Allegation of the Information. The Plea Agreement states that the United States agrees to dismiss the Indictment after the defendant is sentenced in this case.

I determined that the guilty plea is knowledgeable and voluntary and that the offenses charged are supported by an independent basis in fact containing each of the essential elements of such offenses. A record was made of the proceedings and a transcript has been requested.

Based on the foregoing, it is

RECOMMENDED that defendant Brian Michael Aalbers's plea of guilty be conditionally accepted and that the Court defer a decision on the Plea Agreement until the Court has reviewed the presentence report as contemplated by Fed.R.Crim.P. 11(c)(3).

Failure to file written objections to this Report and Recommendation within fourteen days from the date of its service shall bar an aggrieved party from attacking such Report and Recommendation before the assigned United States District Judge. 28 U.S.C. § 636(b)(1).

/s/ Lajuana M. Counts

Lajuana M. Counts
United States Magistrate Judge